

that the lower face of the upper flap is coplanar with the upper face of the lower flap. (See column 2, lines 1-21).

Applicant's invention, as set forth in amended claim 1, includes a pair of opposing, co-planar blades, which are arranged in spaced relation, a distance slightly greater than the thickness of the trowel blade which is drawn therebetween. Also, Applicant's blades are rigidly attached to opposing sides of the elongated slot within the claimed body. It is believed that the claimed invention is now structurally and patentably distinguishable over the Tremblay reference. Accordingly, reconsideration of the rejection of claim 1 and claim 13 remaining dependent thereon, is respectfully requested.

Claims 14-16 and 18 have been amended to be dependent upon new independent claim 26. New claim 26 is a combination of the limitations of dependent claim 13 and independent claim 1. It is believed that claims 26, 14-16, 17 (not amended, as already dependent upon claim 14) and 18, are now allowable.

Claims 21-24, previously rejected under Section 112, have been amended to recite the proper antecedent term "accessory", as set forth in independent claim 20. Thus, claims 20-24, inclusive, should now be allowable.


New claims 27-35 are presented for consideration. These claims have been made dependent upon allowed generic claim 25, and correspond generally in subject matter to non-elected species claims 2-7, 9-10, and 12. In view of the Examiner's comments on page 2 in Paper No. 4 ("Upon allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed claim as provided by 37 CFR 1.141"), Applicant believes that new claims 27-35 are allowable over the art of record.

Lastly, new independent claim 36 had been introduced. This new independent claim is a combination of non-elected species claim 19 and allowed generic claim 25. Following the same rationale as set forth above, it is believed that new claim 36 should be allowable.

In summary, various amendments have been made to the form of certain claims to place them in condition for allowance. Claim 1 has been amended to include structural limitations which distinguish it over the cited art. Certain other claims have been made dependent upon an amended base claim (claim 1), including the limitations of an intervening dependent claim (claim 13). And, other claims, previously drawn to a non-elected species, have either been made dependent upon or have incorporated the limitations of an allowed generic claim (claim 25). A favorable action and allowance of these claims is respectfully solicited.

Respectfully submitted,

STEPHEN L. KRUSKAMP

By 

R. Michael West
Lothrop & West
8801 Folsom Boulevard - Suite 105
Sacramento, California 95826
Telephone: (916) 379-9100